

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

In re: Shale Oil Antitrust Litigation

This Document Relates to:

ALL ACTIONS

Case No. 1:24-md-03119-MLG-LF

Judge Matthew L. Garcia

**ORAL ARGUMENT REQUESTED**

**DEFENDANT EXPAND ENERGY CORPORATION’S MOTION TO DISMISS THE  
CONSOLIDATED CLASS ACTION COMPLAINT**

Expand Energy Corporation (“Expand”), formerly known as Chesapeake Energy Corporation, moves under Fed. R. Civ. P. 12(b)(6) to dismiss the claims alleged against it in the Consolidated Class Action Complaint (MDL Dkt. 86) (“Complaint” or “Compl.”) filed by Plaintiffs Abraham Drucker, et al. (“Plaintiffs”). Expand should be dismissed from this case because Plaintiffs fail to plead sufficient facts against Expand to support their federal and state law claims. Expand files this separate motion and memorandum in support to address additional bases for dismissal that are unique to Expand.

The Complaint should be dismissed against Expand for two reasons. First, outside of the generalized, conclusory allegations that, as explained in the Joint Motion, fall well short of the requirements of *Twombly* and their state law claims, Plaintiffs make no effort to allege, with any particularity, the nature of Expand’s participation in the alleged conspiracy. Second, Plaintiffs fail to allege facts to support their request for injunctive relief. Plaintiffs allege that Expand is not presently an oil producer. Plaintiffs cannot seek to enjoin Expand from a conspiracy to limit oil production when it alleges Expand is no longer producing oil. All claims against Expand should be dismissed for failure to state a claim under Rule 12(b)(6).

Dated: February 24, 2025

Respectfully submitted,

**LATHAM & WATKINS LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2025, a true copy of the above and foregoing was filed and served electronically to all counsel of record.

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